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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
 ORACLE AMERICA, INC., a Delaware
 corporation; and ORACLE INTERNATIONAL
 CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
 and SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-PAL

**DECLARATION OF RICHARD
 ALLISON IN SUPPORT OF
 ORACLE'S OPPOSITION TO
 DEFENDANTS' RULE 50(B)
 RENEWED MOTION FOR
 JUDGMENT AS A MATTER OF
 LAW**

1 I, Richard Allison, declare as follows:

2 1. I am employed by Oracle America, Inc., a Plaintiff in this action. I have been
3 employed by Oracle since 1993. I am currently Oracle's Senior Vice President for Oracle Global
4 Practices and Risk Management. I have personal knowledge of the matters stated in this
5 declaration and could testify competently to them if called upon to do so.

6 2. I submit this declaration in support Of Oracle's Opposition to Defendants' Rule
7 50(b) Renewed Motion For Judgment As A Matter Of Law.

8 3. As part of my job responsibilities, I am required to be familiar with Oracle's
9 Terms of Use for the Oracle support sites ("Oracle's Terms of Use"). These support sites (e.g.,
10 Customer Connection and later My Oracle Support) provide access to software and support
11 materials for Oracle's PeopleSoft, JD Edwards and Siebel products.

12 4. Oracle's Terms of Use govern a person's use of the Oracle support sites, as well
13 as the material on the site. For the period of time at issue in this case (i.e., through 2011)
14 Oracle's Terms of Use incorporated by reference the Oracle.com Terms of Use, which contain a
15 California choice of law provision.

16 4. Attached as **Exhibit A** is a true and correct copy of Oracle.com's Terms of Use
17 (2006), produced in this litigation and Bates numbered ORCLRS0044624-27.

18 5. Attached as **Exhibit B** is a true and correct copy of Oracle.com's Terms of Use
19 (last revised 2009), produced in this litigation and Bates numbered ORCLRS0045696-704.
20

21 I declare under penalty of perjury that the foregoing is true and correct, and that
22 I executed this Declaration on December 7th, 2015 at Redwood Shores, California.
23

24 
25 Richard Allison